

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF NEW HAMPSHIRE

Jon Francis,

Plaintiff

v.

Docket No. \_\_\_\_\_

Town of Bristol, New Hampshire

Defendant

JURY TRIAL DEMANDED

**COMPLAINT**

Plaintiff Jon Francis complains against the Town of Bristol, New Hampshire, for violation of the federal Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 206 et seq. and related regulations, for the reasons set forth below:

**PARTIES**

1. Plaintiff Jon Francis is a citizen of New Hampshire with a residential address at 68 Depot Street, Ashland, New Hampshire 03217.

2. Defendant Town of Bristol is a municipal corporation located in Grafton County, New Hampshire, with a principal address at 230 Lake Street, Bristol, New Hampshire 03222.

**VENUE AND JURISDICTION**

3. Venue in this judicial district is proper as the defendant resides in this state, 28 U.S.C. § 1391(b)(1) and the events giving rise to this claim occurred in this state, 28 U.S.C. § 1391(b)(2).

4. Jurisdiction in this Court is based on the federal question involved, 28 U.S.C. § 1331.

## FACTUAL ALLEGATIONS

5. Plaintiff Jon Francis accepted a position as police officer with the Town of Bristol, beginning in May 2015.

6. The Town required Officer Francis to attend the Police Standards and Training Academy program which began on May 4, 2015.

7. The Academy provided a 16-week training regimen. Attendees were required to begin their weekly training at 8:00 a.m. on Monday of each week. Typically, this would require that Officer Francis to arrive at the Academy by 7:00 a.m. Classes, physical training, and studies would take up the rest of each day from Monday through Thursday, with very little free time. Officer Francis and the other attendees were required to be in bed with lights out at 9:30 p.m. on those four days. On Fridays, the sessions typically ended shortly after noon.

8. To the best of Officer Francis' knowledge and belief, no detailed record of time actually worked was kept by the Town of Bristol for participation in the Academy program.

9. The Town of Bristol paid Officer Francis his base weekly salary (40 hours at the rate of \$20.49 per hour) for each of those 16 weeks, even though Officer Francis worked far in excess of 40 hours during each week.

10. During each week Officer Francis attended the Academy program, he worked 16 hours each day (Monday through Thursday) and another 7 hours on Friday. This totals 71 hours per week.

11. Federal law requires payment of time-and-a-half for all hours worked beyond 40 in any week.

12. 31 hours of overtime multiplied by \$30.74 equals \$952.94, the amount of overtime earned by Officer Francis during each week he attended the Academy program. \$952.94 multiplied by 16 weeks equals \$15,247.04.

#### COUNT I

13. The allegations set forth herein are reasserted in this Count.

14. 29 U.S.C. §§ 206 and 207 require the payment of all hours worked beyond 40 in any week at the rate of one-and-a-half times the regular hourly rate.

15. 29 U.S.C. § 211 requires employers to maintain accurate records of all time worked.

16. The Town of Bristol is obligated by federal law to compensate Officer Francis for 16 weeks of overtime worked, at the rate of \$30.74 per hour; a total of \$15,247.04.

#### CONCLUSION

WHEREFORE, plaintiff Jon Francis respectfully requests that this Honorable Court will:

- A. Schedule a trial by jury to adjudicate the claim asserted herein;
- B. Order that the Town of Bristol make the compensation for overtime worked at the Academy and required by federal law to Officer Francis in the amount of \$15,247.04.
- C. Order that the Town of Bristol pay liquidated damages, 29 U.S.C. § 260, for violation of federal law for double the amount of overtime earned (\$30,494.08);
- D. Order that the Town of Bristol pay costs and attorney's fees incurred in this action, pursuant to 29 U.S.C. § 216(b); and
- E. Grant such other and further relief as justice requires.

Respectfully submitted,

Jon Francis

By His Attorneys

NIXON, VOGELMAN, BARRY,  
SLAWSKY AND SIMONEAU, P.A.

Dated: May 3, 2017

By: /s/ David P. Slawsky (# 6591)  
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